

DIAA Board of Directors' Meeting Minutes
Thursday, August 8, 2019– 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Stan Waterman, Dr. Matthew Donovan, Dr. Kathleen Andrus, Dr. Evelyn Edney, Ted Laws, Bruce Harris, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Robert Watson, Mike Hart, Dr. Kevin Fitzgerald, Mike breeding, Vetra Evans-Gunter, Dr. Bradley Bley, Jeremy Jeanne, and Michael Rodriguez, Associate Secretary of Education. Thomas Neubauer, Executive Director, Laura Makransky, Deputy Attorney General, and DIAA staff Donna Polk and Tina Bates were also in attendance. Dr. Mervin Daugherty, Chuck Little, and Douglas Thompson were unable to attend.

C. Approval of Agenda

Mr. Breeding made a motion to approve the agenda. The motion was seconded by Mr. Hart and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne] and 0 no.

D. Approval of Minutes of DIAA Board of Directors' Interview Committee June 12, 2019 Meeting

Dr. Donovan made a motion to approve the minutes from the June 12, 2019 Interview Committee. The motion was seconded by Mr. Laws and carried by a vote of 5 – yes (Donovan, Laws, Rodriguez, Layfield, and Jeanne) and 0 – no.

E. Approval of the Executive Session Minutes of DIAA Board of Directors' Interview Committee June 12, 2019 Meeting

Dr. Donovan made a motion to approve the June 12, 2019 Executive Session Minutes of the DIAA Board of Directors' Interview Committee. The motion was seconded by Mr. Laws and carried by a vote of 5 – yes (Donovan, Laws, Rodriguez, Layfield, and Jeanne) and 0 – no.

F. Approval of Minutes of DIAA June 13, 2019 Board Meeting

An insufficient number of Board members were present to vote to approve the regular meeting minutes from the June 13, 2019 Board meeting. Approval of the minutes will be added as an item on a future agenda.

G. Approval of Executive Session Minutes of DIAA June 13, 2019 Board Meeting

An insufficient number of Board members were present to vote to approve the executive session meeting minutes from the June 13, 2019 Board meeting. Approval of the minutes will be added as an item on a future agenda.

H. Approval of Minutes of DIAA July 11, 2019 Board Meeting

Mr. Hart made a motion to approve the minutes of the July 11, 2019 DIAA Board of Directors Meeting. The motion was seconded by Dr. Bley and carried by a vote of 11 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, and Bley), 0 no, and 5 abstentions (Andrus, Cilento, Edney, Fitzgerald, and Jeanne).

I. Approval of Executive Session Minutes of DIAA July 11, 2019 Board Meeting

Mr. Breeding made a motion to approve the executive session minutes of the DIAA July 11, 2019 Board meeting. The motion was seconded by Mr. Hart and carried by a vote of 11 yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, and Bley), 0 no, and 5 abstentions (Andrus, Cilento, Edney, Fitzgerald, and Jeanne).

J. DIAA Financial Report

Mr. Neubauer reported on the end of year financial report. Mr. Neubauer commented that there was very little activity for July and that the only expenses were salary. Mr. Cilento made a motion to approve the financial report. The motion was seconded by Mr. Watson and carried by a vote of 16 - yes (Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne) and 0 – no.

II. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 8 sanctioned events before the Board for approval –Cross Country: Unionville Two Mile Bash (9/7/19), Hood College Invitational (9/14/19), Patrick Henry Invitational (9/28/19), Joe O’Neill Invitational (10/18/19); Wrestling: Milford JV WR Dual Meet (12/14/19), Milford WR Invitational (12/14/19), and Milford HS Wrestling Tournament (2/1/20). Mr. Neubauer stated that to the best of his knowledge the 8 events are in compliance with DIAA and NFHS regulations.

Mr. Laws made a motion to approve the 8 sanctioned events as recommended by the Executive Director. The motion was seconded by Dr. Donovan and carried by a vote

of 16 - yes (Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne) and 0 – no.

B. Request to Waive 1009.2.7 by Newark HS - 2019-8-1

The Board went into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

Student, Michael Brogan, school representative; and Michael James, Soccer Coach were in attendance to present this request. All parties were sworn in.

The Board went into deliberation. The Board came out of deliberation. The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver based on the fact that Student and School established all five conditions for granting a waiver were met. The motion was seconded by Mr. Hart and carried by a vote of 16 - yes (Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne) and 0 – no.

C. Request to waive 1009.2.4 by Middletown HS – 2019-8-2

Dr. Donovan recused himself from this hearing. The Board went into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

Student; Student's parents; and Dr. Matthew Donovan, Principal at Middletown High School were in attendance to present this request. All parties were sworn in.

The Board went into deliberation. The Board came out of deliberation. The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver request because the student, the student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Watson and carried by a vote of 15 - yes (Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne) and 0 – no.

The Board recessed at 10:20 a.m. and reconvened at 10:30 a.m.

D. Request to waive 1009.2.4 by St. Elizabeth High School – 2019-8-3

The Board went into executive session for the purpose of discussing the contents of a

pupil file, the disclosure of which would constitute an invasion of personal privacy.

Student; Student's mother; Joe Papili, President at St. Elizabeth High School, and Marvin Dooley, athletic director at St. Elizabeth High School were in attendance to present this request. All parties were sworn in.

The Board went into deliberation. The Board came out of deliberation. The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver request based on testimony and because the student, the student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Hart and carried by a vote of 15 - yes (Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne) and 0 - no, and 1 - abstention (Laws).

E. Request to waive 1009.2.4 by St. Elizabeth High School – 2019-8-4

The Board went into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

Student; Student's mother and step father; Joe Papili, President at St. Elizabeth High School, and Marvin Dooley, athletic director at St. Elizabeth High School were in attendance to present this request. All parties were sworn in.

The Board went into deliberation. The Board came out of deliberation. The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver request because the student, the student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Cimaglia and carried by a vote of 14 - yes (Waterman, Donovan, Andrus, Edney, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, and Jeanne) and 0 - no, and 1 - abstention (Bley).

F. Request to waive 1009.2.4 by Mount Pleasant HS – 2019-8-5

The Board went into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

Student and Student's father were in attendance to present this request. All parties were sworn in.

The Board went into deliberation. The Board came out of deliberation. The Board came out of executive session.

Mr. Hart made a motion to grant the waiver request because the student, the

student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Watson and carried by a vote of 12 - yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, and Bley) and 0 - no.

G. Red Lion Christian Academy Investigation Hearing

Ken Anderson, Athletic Director at Red Lion; Sam Osbourn, Principal at Red Lion; and Linda Pargo, Director of Marketing for Red Lion were in attendance on behalf of Red Lion Christian Academy (RLCA). All parties were sworn in.

Dr. Layfield explained the process and that the Board would be hearing evidence regarding the investigation into allegations of Red Lion Christian Academy recruiting student athletes in violation of the Delaware Department of Education's interscholastic athletic rules and regulations. Red Lion's representatives provided documents which were entered into the record.

Dr. Layfield reported that on May 10, 2019 the Board provided notice to Red Lion Christian Academy's Principal/Dean of Academics Sam Osbourn; Reach Church's Executive Director Lee Geissler; Reach Christian Schools' Board of Directors; Reach Christian Schools' Superintendent Dr. Timothy Dernlan; and Reach Christian Schools, Inc. of the Board's investigation concerning allegations of Red Lion Christian Academy recruiting student athletes. The notice further provided that DIAA's Executive Director Thomas Neubauer and DIAA's Coordinator of Athletics Donna Polk would be conducting the investigation.

Dr. Layfield also reviewed regulations 1008 and 1009.10. and explained that this rule prohibits a person employed by or representing a member school from using influence or illegal contact to persuade, induce, or facilitate the enrollment of a student in that school for athletic purposes. Dr. Layfield explained that the Board is charged with determining whether Red Lion Christian Academy violated any of the regulations concerning interscholastic athletics and if the Board determines that a regulation was violated, what penalty is appropriate to impose. Dr. Layfield presented the eight documents.

The Board then heard testimony from RLCA representatives. A record was made from which a verbatim transcript can be made.

Board entered into deliberations. The Board came out of deliberations.

Ms. Evans-Gunter made a motion that no clear violation was found from this investigation and to followup with a letter from Dr. Layfield that all policies and procedures are put in place and that RLCA self report for the eighth graders that played in the varsity games. The motion was seconded by Mr. Waterman and

carried by a vote of 11 – yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

H. Approval of purchase of 5-year supply of DIAA State Championship Medal & Trophy Blanks

Mr. Neubauer presented a request to purchase a five year supply of DIAA trophies and medals. Mr. Neubauer explained that buying in bulk will keep the price down. Mr. Neubauer explained that the new 5-year stock order will be \$85,000.00. Mr. Neubauer explained that the 26% increase from five years ago include the expansion of the tournaments and the cost of the materials going up. Mr. Neubauer reported that the allotment for five years saves money. Mr. Cimaglia commented that he would like to review before the Board commits to the five year agreement. Mr. Hart asked to defer until later this summer. Dr. Layfield also commented that he would like to review before this is purchased.

Mr. Cimaglia made a motion to direct the DIAA staff to get a quote for what materials would be needed to fully stock the 2019-20 school year and a bid moving forward for 2020-2026. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

I. Approval to Send the DIAA Staff to NFHS Section II Meeting

Mr. Neubauer explained that at a minimal both the executive director and Ms. Polk should be sent to the Section II Meeting and would suggest also sending Ms. Makransky, DAG. Mr. Neubauer commented that the total cost for all three would be around \$1,500.00. Mr. Hart made a motion to send all three to the NFHS Section II Meeting on September 23-25, 2019. The motion was seconded by Mr. Cilento and carried by a vote of 11 – yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

III. Board of Director 2019-2020 Officer Elections

Dr. Layfield reported on terms of Board members and those that have expired. Dr. Layfield explained that based on the action taken at the April 11, 2019 Board meeting he would stay as Chairperson of the Board until his position has been filled and Dr. Donovan would be Vice Chairperson until Dr. Layfield leaves.

Mr. Cimaglia nominated Dr. Donovan as Chairperson of the DIAA Board once Dr. Layfield is replaced. The motion was seconded by Dr. Bley and carried by a vote of 11 – yes (Waterman, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

Mr. Cilento made a motion to table elections on the Vice Chairperson position until Dr. Layfield is replaced. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

IV. Joint Legislative Oversight and Sunset Committee Notice

Mr. Neubauer reported that there is a workshop in September that DIAA will attend. Mr. Neubauer commented that 90% of the questionnaire is drafted.

V. Committee Reports

Mr. Neubauer reported on the Sports Committees Chairperson Meeting held on July 20, 2019. Mr. Neubauer commented that he was happy with the attendance and that the meeting went well.

Mr. Neubauer reported on the Cross Country Committee Meeting.

VI. Discussion Items

No discussion items.

VII. Legal Report

Ms. Makransky gave a legal report concerning the Board's authority to determine if a rule or regulation has been violated.

VIII. Concord High School Boys' Lacrosse Sportsmanship Report

Mr. Watson made a motion to conduct a hearing on a Concord High School Boys' Lacrosse Sportsmanship Report. The motion was seconded by Dr. Andrus and carried by a vote of 11 – yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

IX. Executive Director's Report

Mr. Neubauer thanked the Board for being a part of his journey with DIAA.

X. Other Items for Discussion

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No other items for discussion.

XI. Public Comment

Trina Leclerc congratulated Mr. Neubauer on his retirement and addressed the Board on the topic of out-of-season coaching.

XII. Adjournment

Mr. Cilento made a motion to adjourn at 3:30 p.m. The motion was seconded by Mr. Hart and carried unanimously by a vote of 11 – yes [Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Evans-Gunter, and Bley) and 0 no.

Tina Bates